

Application No.: 09/848,255

Docket No.: 21919-00013-US

REMARKS

Claims 1-8 remain pending in this application. Claims 1 and 6 are independent. No claims have been added or amended by this response.

Withdrawal of the rejection of claims 1-8 as being unpatentable under 35 U.S.C. §103(a) as being unpatentable over Clemes in view of Razeto et al. is requested.

It is respectfully submitted that the Examiner is incorrectly interpreting the disclosure of Clemes on which the rejection of claims 1 to 8 is based.

In column 1 of Clemes at lines 17 to 20 it is stated:

"In the most commonly used two stage generator, a paper substrate is coated with a layer comprising a binder in which sodium metabisulphite is dispersed".

All this passage refers to is one paper substrate coated with a layer comprising a binder in which sodium metabisulphite is dispersed. The passage in question is clear and says nothing more than stated.

In lines 22 to 24 it is stated:

"The generator is further formed with closed pockets in which granular metabisulphite is contained."

All this passage says is that the generator is formed with closed pockets in which the granular metabisulphite is contained. The passage says nothing more than quoted.

In the official action the Examiner says

"Clemes teaches a first sheet comprising a paper substrate, a second sheet comprising a paper substrate and a first coating of a substance, which, in the presence of moisture, generates sulphur dioxide such as sodium metabisulphite."

This, with respect, is a completely and utterly an incorrect statement. The relevant passages in Clemes are quoted above. Where in those passages is there a reference to two layers? There is a reference to a paper substrate i.e. one layer, but there is no reference to two

Application No.: 09/848,255

Docket No.: 21919-00013-US

layers. Reconsideration by the Examiner of technical characterization is respectfully requested, as it is clearly incorrect.

The Examiner then states:

"The sheets are bonded together to provide a series of closed pockets between the sheets, in which each pocket is has a powdered substance contained therein, which, in the presence of moisture, generates sulphur dioxide such as sodium metabisulphate".

As there is no disclosure in the portions of Clemes quoted above of two sheets, this statement is also without foundation. Where in column 1 lines 17 to 27 of Clemes does it say that the sheets are bonded together to form pockets? What the document does says is quoted accurately above. All Clemes says is "[t]he generator is further formed with closed pockets in which granular metabisulphite is contained." With respect, there is no reference to two sheets, and there is also no reference to bonding the sheets to form a series of closed pockets.

It is therefore the Applicant's submission that the Examiner has read into the disclosure of Clemes features which are simply not disclosed. To distort the clear and unambiguous wording of a document by saying that it discloses features which it does not disclose is submitted as clearly being an improper basis for a rejection.

As the Examiner's primary reference fails to disclose that for which it is offered, adding the disclosure by Razeto et al. can take the rejection no further. Razeto et al. do not make up for the previously-identified features of Clemes.

The Examiner's eventual conclusion on obviousness is stated as follows:

"Therefore, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to add weldable synthetic plastics materials to the surface of the two sheets facing the pockets of Clemes in order to facilitate thermal sealing while maintaining moisture permeability, as taught by Razeto et al, and when the weldable synthetic plastics materials are added to the two sheets of Clemes the two sheets become composite sheets."

The Examiner's attention is specifically drawn to the fact that on stating his conclusion he refers twice to the "two sheets" of Clemes. It is demonstrated above that, beyond argument,

Application No.: 09/848,255

Docket No.: 21919-00013-US

Clemes does not disclose two sheets in the passage on which the Examiner relies. This conclusion thus is submitted as being without any sustainable technical basis and is, in fact, an incorrect characterization of the applied art.

The Examiner additionally states that the claims are obvious over Clemes in view of Razeto. This rejection is based on a totally inaccurate reading of Razeto et al., as will now be demonstrated.

The Examiner says:

"Razeto in Figure 2 teaches that Figure 4 represents layer 18 by showing that Figure 4 is a magnified representation of layer 18 in Figure 2."

This is not correct.

What the specification discloses at col. 2, lines 58 et seq. is as follows:

"The generator 10 comprises first and second layers 16 and 20 which are made of laja type paper 28" ... One surface of the first layer 16 is coated with a plastic permeable film 30 having a weight of between about 5 to 25 gr/m² preferably 11 gr/m². See Fig. 4. "One surface of the second layer 20 is coated with a plastic permeable film 31 having a weight of between about 5 to 25 g/m², preferably 11 gr/m². The other surface of second layer 20 is coated with a plastic permeable film 32 having a weight of between about 5 to 25 gr/m². See Fig 5."

Thus Figure 4 is a magnified representation of layer 16 and not, as stated by the Examiner, a magnified representation of layer 18.

Figure 5 is a magnified representation of layer 20.

In column 3 line 9 Razeto et al. states:

"The third layer 18 is a Kraft type paper."

Thus layer 18 is not of composite construction. It is not shown in Figure 4 or in any other larger scale Figure. It is shown in Figures 1 to 3 but not in Figure 4 or Figure 5 as is clear from the above quotations.

Application No.: 09/848,255

Docket No.: 21919-00013-US

The Examiner further states that:

"The disclosure based on the drawings do teach layer 18 comprising a paper layer and a polyethylene coating layer".

As discussed above, this is incorrect. With respect, this is not what Razeto et al. teaches. Layer 18 is a Kraft paper layer. There is no disclosure of coating the Kraft paper.

Applicant agrees that 12 and 14 appear to be thermal seals. However, it does not follow from this that layer 18 inherently has an inner layer of polyethylene.

There is no justification for this conclusion which is contrary to the disclosure in Razeto et al. as discussed above. Center layer 20 (Figure 5) has plastic 32, 31 on each side. The Kraft paper layer 18 is porous. Welding it to the center layer 20 by the application of heat and pressure is what Razeto et al. teaches. Razeto et al. do not teach coating layer 18 with plastics material.

Razeto et al. discloses "impregnating" the layer 18 with reagent mixture (column 3 lines 61 to 62). The Examiner takes the view that some of the impregnating reagent would stay on the surface. This may or may not be true, but there is a significant technical difference between coating and impregnation. The claim defines that there is a coating.

However of far more significance, the claim defines the sulphur dioxide coating as being between the paper substrate and the plastics coating. As demonstrated above there is no disclosure in Razeto et al. of the layer 18 having a coating of plastic, and hence there can be no disclosure of the layer of generating material being between the paper substrate and the plastic.

Applicant does not accept that coating and impregnation are equivalent. However, for the reasons stated in the previous paragraph, the point is moot as the layer 18 of Razeto et al., whether coated with reagent or impregnated, is still not the equivalent of the three layer second composite sheet of claim 1.

With respect to the independent claims, the applied art does not disclose a sulphur dioxide generator which includes, among other features, "...a first composite sheet comprising a paper substrate with a coating of weldable synthetic plastics material on one face thereof, a second

Application No.: 09/848,255

Docket No.: 21919-00013-US

composite sheet comprising a paper substrate with a first coating of a substance which, in the presence of moisture, generates sulphur dioxide, and a second coating of a weldable synthetic plastics material thereon, the first coating being between the paper substrate and the second coating...”, as recited in independent claim 1. Further, the applied art does not disclose a two-stage sulphur dioxide generator, which includes, among other features, “...a first composite sheet; *a second composite sheet*; a plurality of pockets *formed between the first and second composite sheets*”, as recited in independent claim 6.

In summary, the Examiner’s interpretation of the disclosures of Razeto et al. and Clemes is flawed in each of respects as set out above. Applicant submits that, if a disclosure does not in fact disclose that for which it is offered, then no conclusion or rejection based on the incorrect characterization or reading of the document can be sustained.

In the light of the above discussion, it is respectfully requested that the rejections be reconsidered and withdrawn, and that the application be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21919-00013-US from which the undersigned is authorized to draw.

Respectfully submitted,

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